



U.S. Department of Justice

*United States Attorney
Southern District of New York*

*The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007*

September 22, 2023

BY ECF

The Honorable Katherine Polk Failla
United States District Judge
Southern District of New York
40 Foley Square
New York, New York 10007

MEMO ENDORSED

Re: *United States v. Ana Gabriela Rubio Zea, 23 Cr. 180 (KPF)*

Dear Judge Failla:

On September 12, 2023, on the application of defendant Ana Gabriela Rubio Zea, the Court adjourned the conference scheduled for September 22, 2023 to November 2, 2023. (Dkt. 45). The Government writes to respectfully request that the Court exclude Speedy Trial time until November 2, 2023. Due to the circumstances set forth in the defense application, the Government has not sought the position of defense counsel as to the exclusion of Speedy Trial time. The Government respectfully submits that exclusion of Speedy Trial time would be in the interest of justice, however, in light of defense counsel's compelling family circumstances and the parties' ongoing and productive discussions of a potential resolution to the case. On these facts, the ends of justice served by the exclusion of time outweigh the best interest of the public and the defendant in a speedy trial. *See* 18 U.S.C. § 3161(h)(7).

Respectfully submitted,

DAMIAN WILLIAMS
United States Attorney

by: 
Nicholas S. Bradley / Sarah L. Kushner /
Alexander Li / David J. Robles
Assistant United States Attorneys
(212) 637-2676/-1581/-2265/-2550

cc: Kenneth Montgomery, Esq. (by ECF)

Application GRANTED. Time is hereby excluded under the Speedy Trial Act between **September 25, 2023** to **November 2, 2023**. The Court finds that the ends of justice served by excluding such time outweigh the interests of the public and the Defendant in a speedy trial because it will allow the parties time to continue their ongoing and productive discussions regarding a potential pretrial resolution of this matter, and it will allow counsel for Defendant to attend to compelling and unexpected family circumstances.

The Clerk of Court is directed to terminate the pending motion at docket number 50.

Dated: September 25, 2023
New York, New York

SO ORDERED.



HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE